REMARKS

Claims 29 to 38 remain in the application, claims 29 to 33 stand withdrawn, and claims 34 to 38 stand rejected. Claims 34 to 37 are rejected under 35 USC §103(a) over Ash et al in view of Wilson et al. Claim 38 is rejected under 35 USC §103(a) over Ash et al in view of Wilson et al and further in view of Butler. Claims 24 to 38 are provisionally rejected over Serial No. 10/974,267 for obviousness-type double patenting.

Claim 34 is amended hereby to provide greater clarity to the limitation that the hub is affixed to the first and second lumens distally of their proximal ends, by being revised to state that the first and second proximal end portions extend "through the hub and proximally beyond a proximal end thereof". Support is found in paragraphs [0045], [0043] and [0053] to [0056] and Figures 1, 11 and 12 as originally filed, and paragraph [0029] is amended hereby to provide express support therefor.

References Ash et al and Butler have been discussed in prior Responses. Reference Wilson et al sets forth a catheter assembly including a dual-lumen catheter having a distal portion that is initially inserted into a patient and having a proximal portion tunneled, and a connection cover and compression sleeve placed over a proximally exposed proximal catheter portion; and a hub assembly inclusive of a pair of extension tube assemblies and having a hub body and the connection cover and compression sleeve, with the hub body including first and second cannulae extending from its distal end to be inserted into ends of the respective lumens of the proximally exposed now-tunneled proximal catheter portion, whereafter the compression sleeve and connection cover are moved proximally over the cannulae-lumen connections and affixed to the hub body to assuredly lock the cannulae-lumen connections sealingly together.

Reference Wilson et al thus discloses that its proximal catheter portions do not pass through the hub assembly and beyond the proximal end thereof. Neither reference nor combination thereof discloses nor suggests the limitation that the first and second catheter lumen proximal ends extend through and beyond the respective hubs of the references.

OBVIOUSNESS-TYPE DOUBLE PATENTING

With regard to the rejection of claims 34 to 38 based on obviousness-type double patenting, Application Serial No. 10/974,267 includes 57 claims, with "claims 1 to 14" and "34 to 57" being apparatus claims. [The present discussion thereof is with regard to the claims as presently of record in that application.] "Claims 15 to 33" thereof are method claims that are not properly, it is believed, comparable to the elected claims of the present application, which are all apparatus claims. Independent "claims 1, 35, 36, 38, 40, 48 and 56" will now be considered and distinguished from the present elected claims and will be referred to within quotation marks "".

A. "Claim 1" includes limitations that: the first and second catheters are of a first material, and the first and second extension tubes are of a second material; the first and second extension tubes are integrally connected to the first and second catheters, respectively; and the outer surfaces of the first and second catheters are releasably joined for allowing the first and second distal tips to be at least partially longitudinally split from each other -- **no such limitations are contained in the present claim 34**. "Claim 1" does not include a limitation of a hub, nor of an initially separate hub -- **unlike present claim 34 which includes such limitation**. "Claim 1" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

B. "Claim 35" includes limitations that: the first and second catheters are of a first material, and the first and second extension tubes are of a second material; the first and second extension tubes are integrally connected to the first and second catheters, respectively; the first and second lumens have a first cross-section while the first and second distal openings have second and third cross-sectional shapes; the assembly includes first and second connectors are connected to the first and second extension tubes; and a fabric cuff is attachable to the first and second catheters -- **no such limitations are contained in the present claim 34**. "Claim 35" does not include a limitation of a hub, nor of an initially separate hub -- **unlike present claim 34 which includes such limitation**. "Claim 35" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

C. "Claim 36" includes limitations that: the first and second catheters are of a first material, and the first and second extension tubes are of a second material; the first and second extension tubes are fixedly connected to the first and second catheters, respectively; the first and second lumens have a first cross-section while the first and second distal openings have second and third cross-sectional shapes; the assembly includes first and second connectors are connected to the first and second extension tubes -- **no such limitations are contained in the present claim 34**. "Claim 36" does not include a limitation of a hub, nor of an initially separate hub -- **unlike present claim 34 which includes such limitation**. "Claim 36" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

D. "Claim 38" includes limitations that: the first and second catheters are of a first material; the first and second lumens have a first cross-section while the first and second distal openings have second and third cross-sectional shapes; and the first and second distal end regions are releasably joined for allowing the first and second distal end regions to be at least partially longitudinally split from each other -- **no such limitations are contained in the present claim 34**. "Claim 38" does not include a limitation of a hub, nor of an initially separate hub, and does not include a limitation of first and second extension tube assemblies associated with the first and second catheters -- **unlike present claim 34 which includes such limitations**. "Claim 38" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

E. "Claim 40" includes limitations that: the first and second catheters have proximal portions of a generally circular profile and first and second lumens having walls with first and second flattened portions; the first and second catheters are each of unitary construction; and the first and second flattened portions are at least partially splittably joined by a splittable bond -- **no such limitations are contained in the present claim 34**. "Claim 40" does not include a limitation of a hub, nor of an initially separate hub, and does not include a limitation of first and second extension tube assemblies associated with the first and second catheters -- **unlike present claim 34 which includes such limitations**. "Claim 40" also does not include the

limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

F. "Claim 48" includes limitations that: the assembly has a distal portion having a generally circular profile with first and second distal lumen portions; the assembly has a proximal portions having first and second proximal lumen portions each having circular profiles; the first and second distal and proximal lumen portions are defined by first and second catheters walls each of unitary construction; and at least the first and second distal lumen portions are splittably joined -- **no such limitations are contained in present claim 34.** "Claim 48" does not include a limitation of a hub, nor of an initially separate hub, and does not include a limitation of first and second extension tube assemblies associated with the first and second catheters -- **unlike present claim 34 which includes such limitations**. "Claim 48" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

G. "Claim 56" includes limitations that: first and second catheters are of unitary construction and include first and second proximal ends having generally circular profiles, and first and second generally flat portions that are at least partially splittably joined -- **no such limitations are contained in present claim 34.** "Claim 56" does not include a limitation of a hub, nor of an initially separate hub, and does not include a limitation of first and second extension tube assemblies associated with the first and second catheters -- **unlike present claim 34 which includes such limitations**. "Claim 56" also does not include the limitation of the first and second proximal end portions extending through a hub and beyond a proximal hub end -- **unlike present claim 34 as amended, and therefore all of the present claims 34 to 38.**

It is believed that the claims of the two applications are so distinguished from each other that the claims of the present application are not susceptible to an obviousness-type double patenting rejection, and such rejection is respectfully traversed.

It is believed that all elected claims distinguish patentably over the prior art. It is believed that no new matter is entered hereby. It is also believed that the amendment to claim 34 does not raise new issues requiring further search since the issue of the proximal catheter ends extending past the hub has been raised heretofore in the Amendment and Response to Final Office Action dated July 31, 2006, at the sentence bridging pages 4 and 5.

Respectfully submitted,

J. Daniel Raulerson, et al

January 19, 2007
(Date)

By: Anton P. Ness

Anton P. Ness
Registration No. 28,453
Fox Rothschild, LLP
P.O. Box 431
Lansdale, PA 19446-0431
Telephone: 215-661-9474
Facsimile: 215-699-0231
E-Mail: aness@foxrothschild.com